

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SHOMAS T. WINSTON,

Plaintiff,

v.

ORDER

LIEUTENANT KOLBO, OFFICER HOLTHAUS,
OFFICER WILKINSON, and SERGEANT BERGER,

23-cv-9-jdp

Defendants.

Plaintiff Shomas T. Winston, without counsel, has moved for sanctions against defendants, contending that they lied in their discovery responses. Dkt. 79. I will deny the motion.

Defendants Brett Wilkinson and Tyler Holthaus were part of a team that introduced an incapacitating agent into Winston's cell to extract him from it, allegedly because he threatened to harm himself. Winston contends that video recordings show that Wilkinson and Holthaus falsely stated in responses to interrogatories that, when he was directed to the ground after being removed from his cell, he wasn't: (1) spitting up or vomiting; or (2) using deadweight tactics. I have reviewed footage of the incident from both wall-mounted and handheld cameras. The handheld camera is more informative because it is closer and has audio. Contrary to Winston's contention, the videos are inconclusive. The handheld camera video shows a substance coming from Winston's mouth around that time, but the substance looks more like saliva than vomit. Winston appears to collapse at one point, but one cannot tell from the videos whether he collapses from weakness or as a deadweight tactic.

ORDER

IT IS ORDERED that:

1. Plaintiff Shomas T. Winston's motion for sanctions, Dkt. 79, is DENIED.
2. The clerk of court is directed to send Winston a copy of this order.

Entered February 5, 2024.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge